



STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL

LETITIA JAMES
ATTORNEY GENERAL

BARBARA D. UNDERWOOD
SOLICITOR GENERAL
DIVISION OF APPEALS & OPINIONS

March 21, 2024

By ECF

Honorable Naomi Reice Buchwald
United States District Court
Southern District of New York
500 Pearl St.
New York, NY 10007

Re: *Meissner v. City of New York*, No. 23-cv-01907 (NRB)

Dear Judge Buchwald:

I write on behalf of non-party New York State Attorney General Letitia James, who seeks to intervene in this case for the limited purpose of defending the constitutionality of New York's firearm licensing laws, pursuant to 28 U.S.C. § 2403(b) and Rule 24(a)(1) of the Federal Rules of Civil Procedure. Counsel for the parties consent to the Attorney General's intervention.

The Attorney General has a statutory right to intervene in cases presenting constitutional challenges to state laws where neither the State nor any agency, officer, or employee of the State is a party. *See* 28 U.S.C. § 2403(b); Fed. R. Civ. P. 24(a)(1). Courts in this Circuit have permitted the Attorney General to intervene under similar circumstances. *See, e.g.*, Order, *Giambalvo v. New York*, No. 22-cv-04778 (GRB) (S.D.N.Y. April 12, 2023); *United States v. 1,920,000 Cigarettes*, No. 02-cv-437A, 2003 WL 21730528, at *2 (W.D.N.Y. Mar. 31, 2003); *Raite Rubbish Removal Corp. v. Onondaga County*, 161 F.R.D. 236, 238-40 (N.D.N.Y. 1995); *Velez v. Board of Elections of City of N.Y.*, No. 90-cv-5598, 1990 WL 130767, at *1 (S.D.N.Y. Sept. 5, 1990). The Attorney General's intervention is timely because this letter motion was filed within the thirty-day time limit set out in this Court's February 22, 2024 order requesting the Attorney General's response to plaintiffs' notice of constitutional question. *See* Order (Feb. 22, 2024), ECF No. 33; Fed. R. Civ. P. 5.1(c). Accordingly, the Court should grant the Attorney General's motion for

intervention for the limited purpose of defending the constitutionality of New York's firearm-licensing laws.

Respectfully submitted,

/s/ Sarah Coco

Sarah Coco
Assistant Solicitor General
212-416-6312

cc (via ECF): All counsel of record

Application granted.

SO ORDERED.


NAOMI REICE BUCHWALD
UNITED STATES DISTRICT JUDGE

Dated: April 1, 2024
New York, New York